

Application No. 10/810,370

REMARKS

Claims 1 to 19 are pending in the application. The Examiner has subjected the claims to a restriction requirement and required that Applicants elect one of the following groups of claims for examination:

I. Claims 1 and 3 to 18, drawn to a triazine compound, classified in class 544, subclasses 197, 208, 219.

II. Claims 1, 2, 4 to 12, 15, 16, and 19, drawn to a urea compound, classified in class 564, subclass 52.

The Examiner has stated that the inventions are independent and distinct from each other because they are directed to structurally dissimilar compounds that lack a common core, namely triazine and urea core, and that consequently the groups require separate prior art searches. In addition, the Examiner has stated that it is necessary to classify and search both cores, and that such a search of both cores for prior art would be a serious search burden, given the limited time available for each application.

Applicants are of the position that the patent classification system has been developed primarily for convenience, and that separate classifications within this system is not indicative of distinctiveness for the purposes of a restriction requirement. Applicants are of the position that the claims of Group I and the claims of Group II should be examined together.

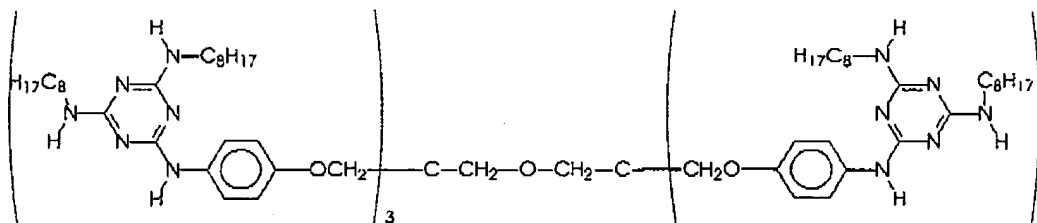
Should the Examiner persist in the restriction requirement, Applicants elect with traverse the Group I claims (1 and 3 to 18) for prosecution.

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The Examiner has further stated that Applicants are required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently, claims 1 to 11, 18, and 19 are generic.

Applicants respectfully traverse this election of species requirement, and are of the position that the species within Group I can be examined together.

Should the Examiner persist in the restriction requirement, Applicants elect with traverse the species




which is recited specifically in claim 14. Other claims reading on this species in addition to claim 14 are claims 1, 3 to 5, 8, 10, 12, and 18.

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In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Applicant(s) attorney, Judith L. Byorick, at Telephone Number (585) 423-4564, Rochester, New York.

Respectfully submitted,



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